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# ...st Have a Constitutional Convention

...ntaining Facts, Figures and Pleas ...uching the State's Greatest Need

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Pamphlet prepared by
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## ILLINOIS HELD IN CHAINS

Of all the states in the Union, Illinois is the most hampered and restricted by its constitution, adopted 44 years ago and still but little changed. While other states have been progressing by bringing their fundamental law up to modern standards, Illinois has lagged, and now is far behind most of her sister commonwealths.

Both friends and foes of a constitutional convention agree on this—that Illinois' present constitution is rigid and repressive, obstructing her progress and staying her development.

All that is asked of the people's representatives in the General Assembly at Springfield is that they let the people of Illinois decide by vote whether or not they wish a constitutional convention.

Before the primaries and election this Fall, learn the position of your legislative candidates and let them know your views. Nothing in the state's history is of greater vital interest to yourself and your family than is this movement.

The issue is plainly drawn—on the one side progress and expansion; on the other, standpatism and decay.

Illinois' lawmakers will bow to a public demand so overpowering that special

privilege and armored interests will not dare to raise a hand in opposition.

This is the people's fight. Your aid can be given through discussion; by distribution of copies of this pamphlet among your friends; by organization of local Constitutional Convention Clubs, etc.

Whether living in Chicago or "downstate," Illinoisans may join hands in this campaign for constitutional revision with equal reasons of patriotism and self-interest. Chicago and other cities need home-rule charters, while the entire state, as a whole, sadly needs a modern constitution.

## WHAT IS NEEDED?

Among the constitutional changes that have been urged for many years are the following:

**Shorter ballot.**

**Abolition of minority representation in the legislature.**

**Reorganization of the judiciary system.**

**Home rule for cities and counties in local matters.**

**Permissible consolidation of over-lapping local governments.**

**Initiative, referendum and recall.**

**Tax reform.**

**Woman suffrage, all offices.**

**Elasticity of amendment.**

While some of these propositions, with others that might be mentioned, are of

disputed value, most of them, it is generally agreed, are desired by a great majority of the people.

Why, then, have they not been incorporated in the state's constitution?

### The Root of the Trouble

Framers of Illinois' present constitution, honored in their day, were so pleased with their handiwork that they decided to make it almost impossible of change. They "bottled" it with three "corks."

Cork One is the provision that the amendment of only one article of the constitution may be submitted to the people at a time (one in two years).

Cork Two is the requirement that, before submission to the people, the amendment resolution must receive the vote of two-thirds of the members of each branch of the legislature.

Cork Three is the requirement that, for adoption, an amendment must receive a majority vote, not only of those voting on the amendment, but also of all those casting ballots at that election. In other words, those voting for any candidate for public office, but not voting on the amendment, are counted, in effect, as voting against the amendment.

Because of these "corks," efforts to improve the constitution have been almost

futile. Only two amendments have been adopted since 1899.

In recent years there has been a complete halt in constitutional reform, partly —but only in part—because of warring interests at Springfield.

### How the Interests Clash

The legislature has been deadlocked. Some lawmakers backed initiative and referendum; some were for tax reform. As both could not be submitted at the same time, they killed each other off. So long as over one-third of the membership of either House stood out for one proposition, none other could be submitted.

This situation has permitted a plausible argument for "temporary" sidetracking of all other amendments in order to give right of way to an amendment which, if adopted, would permit more than one amendment to be submitted to the people at a time.

"Then," it is urged, "the deadlock between I. and R. and tax reform would cease and both could be submitted."

Perhaps those who make this plea are ignorant of the fate of this particular amendment in the past and overlook the fact that this one change, if adopted, still would permit Corks Two and Three to "bottle" Illinois.

Twice has this same proposal to remove the "one amendment restriction" been submitted to the people. Each time it has failed to receive a majority of those voting at the election. In 1892, out of 871,000 casting ballots, only 177,000, counting both friends and foes, voted on the amendment. In 1896, out of 1,090,000 votes, only 251,000 voted on the amendment, the division being 163,000 "for" to 88,000 "against."

There is no reason to warrant belief that a third attempt along this line would be more successful. The '96 campaign to "pull the cork," meaning "Cork Number One," was thoroughly organized and backed by a large number of civic associations.

Why this lack of interest? Why didn't the people vote?

For the very simple reason that the plan to "amend the amending clause" is and always has been such a mysterious, bloodless, academic, something-in-the-dim-future proposition that the average citizen has no interest in it. On a concrete proposition he would be prepared to cast an intelligent ballot, but not on "opening the door"—to what? It is but natural that he wants to know "to what."

What assurances, in fact, can anyone give that, even if two or three amend-

ments could go through at the same time, the "bottle's" opening would not be blocked by the scramble of half a dozen? As a matter of fact, and in the light of confused political conditions, that is probably exactly what would happen.

Even with Cork No. One out, there remain Corks Two and Three, which, in other states, have been proven to be quite as efficacious in suppressing the will of the people at the behest of interests enjoying special privileges. Note Ohio's case. It had no limit on the number of amendments; also, only three-fifths of each House were required to authorize submission to the people, yet Ohio was "bottled" as effectually as Illinois—until it got its constitutional convention of eminent men, who framed its present constitution, adopted last year.

Further, there is no legal reason why any one proposed amendment, even this amendment to amend the amending clause, should not be submitted to the people at the same time as the constitutional convention resolution. Though the advocates of the I. and R., tax reform and "amending the amending clause" tear each other's throats at Springfield, they may consistently unite in voting for a constitutional convention. The thinking voter will be suspicious of the legislative

candidate who backs any single proposed amendment while opposed to a constitutional convention.

It can be set down that he is "taking orders."

### Convention Is Quickest Way

Illinois would secure its needed reforms more quickly by a constitutional convention than it possibly could in any other way. These tables tell why.

#### By a Convention

Resolution for convention to be adopted by legislature in....1915
Submission to voters at general election in Autumn of.....1916
Legislature would provide for convention at its session of..1917
Election for choosing delegates, say in July of.....1917
Convention could convene in Fall of .....1917
Submission of draft to people in Spring of .....1918

#### By "Pulling the Cork"

Legislature might vote to pull "Cork No. 1" in .....1915
Submission to people in November .....1916
If adopted, legislature might vote to submit proposed amendments at its session of.....1917
Such amendments would be submitted to people at election in November .....1918

In other words, a start at patching would take more time than a thorough revision of the constitution by the most eminent and best qualified men Illinois could find for the work. Moreover, there could be no assurance even of patching, if attempted. Remember, that Ohio, and other states, too, could not do patching under similar but more favorable conditions.

## OBJECTIONS ANSWERED

**Objection No. One.—"With politics in chaos, it would be difficult to elect a good convention."**

Those advancing this argument, stale with thirty years of repetition, disregard, or pretend to be ignorant of the fact that Illinois' legislature has the power to require that delegates to a constitutional convention be elected in non-partisan procedure—not as Democrats, Progressives, Republicans or other party men, but after nomination by petition, with their names under no party label. Thus, voters would choose from among the candidates according to qualifications, not because of the party badge. Ohio worked out her salvation in this way. Voters showed remarkable discrimination at the polls. Illinois' voters are just as intelligent as Ohio's.

Moreover, judging from what has happened in other states and what is probable when the people face the emergency, voters will be ready and anxious to disregard party lines in order to send to the convention the very highest class of citizens to be found and who may be induced to be candidates.

**Objection Two.—"Until a readjustment comes in politics, no convention could be elected of much higher grade than the legislature itself."**

All experience, in this and other states, indicates that this objection is pure bunk. Members of a constitutional convention would be elected without cumulative voting, two from each senatorial district, by direct vote of the people, for the honorable, serious and specific purpose of drafting a constitution.

Evidence of the probable abandonment of party lines is indicated by the membership of the Constitutional Convention League, whose council and directors are representative of all parties and almost all factions—of radical, moderate and conservative opinion.

**Objection Three.—"A convention would let down the bars to every new political idea."**

Proposed amendments that have been most widely discussed number about

twenty and cover **only about ten desired reforms.** Still wider discussion would intervene before the convention met in 1917, or later. It would be a reasonable forecast of procedure to assume that the more radical amendments, when drafted, would be submitted to popular vote separately, even if the Ohio method, in which the people voted separately upon each and every proposed amendment, were not followed in Illinois.

Nor let us forget, in fairness, that the bars already are down for the submission of any amendment, however radical, that may meet the legislature's approval. Surely no sane and patriotic citizen would urge Illinois to wait until every advance step in constitutional reform had been taken and tested by the experience of years in other or many other states. Illinois might better be a leader than a laggard.

**Objection Four.—"A new constitution would sweep away 43 years of Supreme Court decisions interpreting the present constitution. The work of the courts must start all over again."**

Note that this objection is not advanced by reputable lawyers who are authorities on constitutional law.

It is a gross exaggeration, a bogey man of straw. It is certain that a convention

would conserve much of the Supreme Court's past labors. Many of the proposed amendments would need no judicial interpretation—for instance, to secure full woman suffrage, it would be necessary merely to strike out the word "male" in describing a voter.

Moreover, if this objection were sound, it would become stronger each year. Are we never to have a constitutional revision? If we are, the quicker we get it, the weaker is the objection.

**Objection Five.—"Jealousy between 'downstate' and 'city,' with the certainty that 'downstate' would insist upon restricted legislative representation for Cook County, possibly without giving Chicago 'home rule' in return."**

It is true that the majority of both Houses at Springfield, representing "downstate" districts, fear the time when Chicago's growth in population, on a reapportionment of districts, may give that city a majority of both lawmaking branches. On the other hand, Chicagoans object to a discrimination giving their city less than its proportionate representation in the legislature.

George E. Cole, president of the Constitutional Convention League, though himself a Chicagoan, has suggested a compromise. He would limit the num-

ber of Cook County's senators to two-fifths of the whole, but would continue to apportion the membership of the Lower House according to population. Thereby, Chicago and Cook County's growth in population never would give the "big city" control of the legislature.

A constitutional convention may be relied upon to work out a reasonable compromise satisfactory to the entire state. Meanwhile, because of the jealousy between "city" and "downstate," the every-ten-years' reapportionment of congressional and legislative districts required by Illinois' constitution is four years overdue, with no action in near prospect. In effect, therefore, there is already in operation a restriction of Chicago's legislative representation, since reapportionment on a population basis would give Cook County two additional senatorial districts.

Too much of the legislature's time is taken up in lawmaking that applies only to Chicago. That city, along with other cities of the state, seeks authority to govern itself in local matters. Surely, here is the basis for a reasonable adjustment satisfactory to the entire state.

**Objection Six.—"Why kick over our present constitution? It contains much that is good."**

This is the silliest plea of all, but is the most widely circulated by the insidious organization working under cover to block constitutional revision. You see, it is so easy to "pass along" this little "knock."

The simple answer is that no advocate of a constitutional convention ever had in mind the discarding of Illinois' present constitution as a whole. If this earth travels around the sun, then it is equally certain that the present constitution's framework and its every section of sound value, from the nobly worded preamble to the end of the final article, will be retained for the new constitution.

## The People Must Decide

Let us all remember that no constitutional convention can "put anything over" on the people. No constitution, whether submitted as a whole or in separate amendments, can become Illinois' fundamental law unless a majority of the voters are willing.

**A convention merely may draft; the people must decide. They are the jurors and the supremest of all courts, from which there shall be no appeal.**

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